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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/740,823	12/21/2000	Philippe Lachaud	Q62379	6580

7590 04/22/2004

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EXAMINER

PATEL, NIKETA I

ART UNIT	PAPER NUMBER
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2182

DATE MAILED: 04/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/740,823

Applicant(s)

LACHAUD ET AL.

Examiner

Niketa I. Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 December 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Drawings

1. The drawings are objected to because no labels are provided for the elements shown in the figures. For example, elements S, M, C1 in figure 1 should be appropriately labeled. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

2. Claim 2 is objected to because of the following informalities: line 4 recites '**transited**', it should recite '**transmitted**'. Appropriate correction is required.
3. The abstract of the disclosure is objected to because it is merely reciting claim 1. Correction is required. See MPEP § 608.01(b).
4. Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use

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thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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6. Claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Chin U.S. Patent Number: 6,718,137 (hereinafter referred to as "*Chin*".)

7. **Referring to claim 1**, *Chin* teaches a system for changing the communication means used for communication between two software agents, the system further comprising a communication server, and each of said software agents including [see column 3 - lines 10-31]: a communication module giving access to said communication means [see column 4 - lines 3-28]; and means for receiving a new communication module from said communication server [see column 4 - lines 29-52.]

8. **Referring to claim 2**, *Chin* teaches a system in which said software agents further comprise means for sending a request to said communication server to cause said new communication module to be *transited* [see column 3 - lines 10-31; column 4 - lines 29-52; column 5 - lines 8-19; column 6 - lines 3-21, 33-46; column 7 - lines 59-67.]

9. **Referring to claim 3**, *Chin* teaches a system in which said communication server includes means for receiving requests for loading communication means from a man-machine interface, causing said new communication module to be transmitted [see column 3 - lines 10-31; column 4 - lines 29-52; column 5 - lines 8-19; column 6 - lines 3-21, 33-46; column 7 - lines 59-67.]

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10. **Referring to claim 4**, *Chin* teaches a system in which said communication server further includes means for responding to internal rules to decide that said new communication module should be transmitted [see column 3 - lines 10-31; column 4 - lines 29-52; column 5 - lines 8-19; column 6 - lines 3-21, 33-46; column 7 - lines 59-67.]

11. **Referring to claim 5**, *Chin* teaches a system in which said communication module is loaded dynamically by said software agents [see column 3 - lines 10-31; column 4 - lines 29-52; column 5 - lines 8-19; column 6 - lines 3-21, 33-46; column 7 - lines 59-67.]

12. **Referring to claim 6**, *Chin* teaches a system in which said software agents and said communication modules communicate via a common programming interface [see column 3 - lines 10-31; column 4 - lines 29-52; column 5 - lines 8-19; column 6 - lines 3-21, 33-46; column 7 - lines 59-67.]

13. **Referring to claim 7**, *Chin* teaches a method of correcting a breakdown in a communication means used between two software agents [see column 3 - lines 10-31], the method comprising the following ordered steps: said software agents sending messages to a communication server informing it of said breakdown [see column 4 - lines 3-28]; said server sending communication modules to said software agents, said communication modules

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being designed to give access to a different communication means [see column 4 - lines 3-28; column 6 - lines 3-21, 33-46]; and said software agents using said communication modules to continue communicating [see column 3 - lines 10-31; column 4 - lines 29-52; column 5 - lines 8-19; column 6 - lines 3-21, 33-46; column 7 - lines 59-67.]

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following documents have been made record of to further show the state of the art as it pertains to fail-over recovery in a network environment:

- a. Albert et al. U.S. Patent Number: 6,687,222
- b. Ellison et al. U.S. Patent Number: 6,691,117
- c. Dunham et al. U.S. Patent Number: 6,714,952
- d. Hwang U.S. Patent Number: 6,715,100


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Niketa I. Patel whose telephone number is (703) 305 4893. The examiner can normally be reached on M-F 8:00 A.M. to 5:00 P.M.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Gaffin can be reached on (703) 308 3301. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NP
04/16/2004


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